

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: NATIONAL PRESCRIPTION)	MDL NO. 2804
OPIATE LITIGATION)	
)	CASE NO. 1:17-MD-2804
THIS DOCUMENT RELATES TO:)	
<i>“Case Track Two”</i>)	Judge Dan Aaron Polster

**PLAINTIFFS (FIRST) COMBINED DISCOVERY REQUESTS
TO DISTRIBUTORS**

COMES now the Case Track Two Plaintiffs, CABELL COUNTY COMMISSION and the CITY OF HUNTINGTON¹, by counsel, and submit the following discovery requests pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure to the Defendants engaged in the distribution of prescription opioids.

Special Master David Cohen opened discovery in Case Track 2 (“CT2”) on October 15, 2019, by order from the bench. Upon conclusion of the CT1 trial on October 21, 2019, Special Master David Cohen ordered all parties to respond within 30 days from service. Plaintiffs and Defendants disagree about the geographic and temporal limitations of discovery. Until further order of the Court, *Discovery Ruling 3* (Doc #: 762) (Filed: 07/17/18) remains in effect.

Nonduplication of production: To the extent a discovery request herein calls for responsive documents produced in discovery from Case Track One, please specifically reference the Bates stamp range of responsive documents.

¹ Please note that the CITY OF HUNTINGTON’s boundaries extend into Wayne County (WV) which mainly consists of the neighborhood of Westmoreland (zip: 25704).

COMBINED DISCOVERY REQUESTS re: DISTRIBUTION

1. Please produce all *transactional data* related to the distribution of prescription opioids arising out of CT2 from January 1, 1996, to the present.
2. Please identify in chronological order the title of each *Suspicious Order Monitoring System (SOMS)* policy in force from January 1, 1996, to the present and produce a copy of the same. After each entry, please identify the Bates range which corresponds to each policy to enable a jury to correlate each policy in your written answer to each document produced.
3. Please identify each *suspicious order* you reported to any regulatory body, including the DEA and/or the West Virginia Board of Pharmacy, arising out of CT2 and produce all documents related thereto. After each entry, please identify the Bates range which corresponds to each suspicious order to enable a jury to correlate each suspicious order in your written answer to each document produced.
4. Please produce the *due diligence file* for each of your customers in CT2. Please identify the Bates range which corresponds to each due diligence file to enable a jury to correlate each due diligence file to each of your customers.
5. Please identify each *sales representative(s)* responsible for the CT2 territory and produce the custodial file for each. Please identify the Bates range which corresponds to each custodial file to enable a jury to correlate each name in your written answer to each custodial file produced.
6. Please produce all documents in your possession, custody and/or control related to *Safescript Pharmacy #6* (DEA# BS8246349) formerly located at 335 Fourth Avenue in Huntington, Cabell County, West Virginia.

7. Please produce all documents in your possession, custody and/or control related to **Anita T. Dawson, DO** (CSL# OD0926) formerly practicing medicine at 1798 Midland Trail, Milton, Cabell County, West Virginia.

8. Please produce all documents produced to the United States House Energy and Commerce Committee arising out of its investigation into “opioid dumping” into West Virginia.

9. Please produce all documents produced to the West Virginia Attorney General.

10. Please produce all documents related to internal investigations referencing the distribution of prescription opioids in West Virginia.

11. Please produce all presentations, including PowerPoints or slide decks, referencing the distribution of prescription opioids in West Virginia.

Dated: October 22, 2019

Respectfully Submitted,

THE CITY OF HUNTINGTON

CABELL COUNTY

/s/ Anne McGinness Kearse

Anne McGinness Kearse (WVSB No. 12547)

Joseph F. Rice

Michael E. Elsner

MOTLEY RICE LLC

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: 843-216-9000

Fax: 843-216-9450

akearse@motleyrice.com

jrice@motleyrice.com

melsner@motleyrice.com

Linda Singer

David I. Ackerman

MOTLEY RICE LLC

401 9th Street NW, Suite 1001

Washington, DC 20004

Tel: 202-232-5504

Fax: 202-386-9622

lsinger@motleyrice.com

dackerman@motleyrice.com

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr. (WVSB Bar No. 7443)

Bert Ketchum

**GREENE, KETCHUM, FARRELL,
BAILEY & TWEEL, LLP**

419 - 11th Street (25701)/ P.O. Box 2389

Huntington, West Virginia 25724-2389

Tel.: 800-479-0053 or 304-525-9115

Fax: 304-529-3284

paul@greeneketchum.com

bert@greeneketchum.com

Michael A. Woelfel (W.Va. Bar ID 4106)

WOELFEL AND WOELFEL, LLP

801 Eighth Street

Huntington, West Virginia 25701

304.522.6249

304.522.9282: fax

mikewoelfel3@gmail.com

Charles R. “Rusty” Webb (WVSB No. 4782)

THE WEBB LAW CENTRE, PLLC

716 Lee Street, East

Charleston, West Virginia 25301

Telephone: (304) 344-9322

Facsimile: (304) 344-1157

rusty@rustywebb.com